

**EIGHTY-THIRD DAY**

(Thursday, June 8, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Senate Concurrent Resolution 60**

Senator Van Zandt offered the following resolution:

S. C. R. No. 60, Recalling S. B. No. 462 from the Governor.

Be it resolved that the Senate of Texas, the House of Representatives concurring, That the Governor of Texas is hereby respectfully requested to return to the House of Representatives for further consideration Senate Bill 462 in order that the following words may be stricken from said bill, "a chairman and" before the words "a secretary" in Section 1 thereof, and that the Secretary of the Senate be instructed to withdraw his certificate therefrom and that the President of the Senate and Speaker of the House be, and they are hereby directed to erase their names therefrom.

The resolution was read; and on

motion of Senator Van Zandt, and by unanimous consent, it was considered immediately.

The resolution was adopted.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 481, A bill to be entitled "An Act authorizing and directing the Board of Control and the Governor to execute an easement conveying to the County of Upshur right-of-way necessary for the construction of a county road across the lands of the Texas State Colored Orphanage in Upshur County, said lands being described by metes and bounds; and authorizing and directing the Board of Control and the Governor to execute an easement conveying to the State Highway Department right-of-way necessary for the construction of State Highway No. 155 across the lands of the Texas State Colored Orphanage in Upshur County, said lands being described by metes and bounds; describing procedure to be followed in each instance; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Message from the Governor**

The President laid before the Senate, and had read, the following message:

Austin, Texas,  
June 8, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following nominations:

To be Notaries Public:

Rogers F. Reid, Beaumont, Texas,  
et al.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The resolution was referred to the Committee on Nominations of the Governor.

**Report of Conference Committee  
on House Bill 132**

Senator Van Zandt called for further consideration at this time of the report of the conference committee on H. B. No. 132.

The President laid the report before the Senate for further consideration at this time (the report heretofore having been submitted and taken up for consideration but not disposed of by the Senate).

Question—Shall the report be adopted?

Senator Burns submitted the following motion in writing:

Mr. President: We move that the report of the conference committee on H. B. No. 132 be not adopted but that it be re-referred and a new committee be appointed with instructions that they change the provisions of said bill so that it will prohibit the receiving directly or indirectly of any money or anything of value for services rendered to any person in connection with the securing or attempting to secure benefits in behalf of old age assistance, adult blind or dependent children.

BURNS,  
COTTEN,  
SPEARS,  
HARDIN,  
SULAK.

Senator Spears moved the previous question on the motion, and the motion for the previous question was not seconded.

Senator Hardin moved the previous question on the motion, and the motion for the previous question was duly seconded.

The main question was ordered by the following vote:

**Yeas—13**

Brownlee	Metcalfe
Collie	Moffett
Graves	Shivers
Hardin	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak

**Nays—11**

Aikin	Redditt
Beck	Roberts
Burns	Stone
Cotten	of Washington
Moore	Van Zandt
Pace	Weinert

**Absent**

Head	Martin
Hill	Small
Isbell	Winfield

**Absent—Excused**

Nelson

Question—Shall the motion of Senator Burns prevail?

**Senate Bill 489 on Second Reading**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 489 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 489, A bill to be entitled "An Act making an appropriation for the Sabine-Neches Conservation District; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said District; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said District; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 489 on Third Reading**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 489 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalfe	of Washington
Moffett	Weinert
Moore	Winfield

Nays—2

Sulak Van Zandt

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Brownlee	Moore
Burns	Pace
Collie	Redditt
Cotten	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Kelley	Stone
Lanning	of Washington
Metcalfe	Weinert
Moffett	Winfield

Nays—6

Aikin	Martin
Graves	Sulak
Isbell	Van Zandt
Lemens	

Absent

Beck	Small
Roberts	

Absent—Excused

Nelson

**Senate Bill 486 on Second Reading**

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 486 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B., No. 486, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River

Canal and Conservancy District, providing that it shall be repaid to the State of Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 486 on Third Reading**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 486 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Redditt
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Washington
Isbell	Van Zandt
Kelley	Weinert
Lanning	Winfield

Nays—3

Lemens	Sulak
Martin	

Absent

Roberts	Stone
	of Galveston

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Beck	Moore
Burns	Pace
Collie	Redditt
Cotten	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Kelley	of Washington
Lanning	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

## Nays—8

Aikin	Martin
Brownlee	Stone
Graves	of Galveston
Isbell	Sulak
Lemens	

Absent

Roberts

Absent—Excused

Nelson

**House Bill 1081 on Second Reading**

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1081 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1081, A bill to be entitled "An Act making an appropriation for the Upper Guadalupe River Authority; designating who shall have authority to execute vouchers under the directions and with the consent of Directors of said District; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said district, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 1081 on Third Reading**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1081 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Lanning
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Pace
Cotten	Redditt
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston

Stone	Weinert
of Washington	Winfield

## Nays—5

Graves	Sulak
Lemens	Van Zandt
Martin	

Absent

Roberts

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—20

Beck	Moffett
Burns	Moore
Collie	Pace
Cotten	Redditt
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Washington
Lanning	Weinert
Metcalf	Winfield

## Nays—9

Aikin	Stone
Brownlee	of Galveston
Graves	Sulak
Lemens	Van Zandt
Martin	

Absent

Roberts

Absent—Excused

Nelson

**House Bill 828 on Second Reading**

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 828 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 828, A bill to be entitled "An Act making an appropriation for use and benefit of the Lower Neches Valley Authority, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 828 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 828 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Weinert
Martin	Winfield
Metcalf	

**Nays—4**

Graves	Sulak
Lemens	Van Zandt

**Absent**

Roberts

**Absent—Excused**

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—21**

Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Redditt
Cotten	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Kelley	of Washington
Lanning	Weinert
Metcalf	Winfield

**Nays—8**

Aikin	Stone
Graves	of Galveston
Isbell	Sulak
Lemens	Van Zandt
Martin	

**Absent**

Roberts

**Absent—Excused**

Nelson

**House Bill 1040 on Second Reading**

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1040 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1040, A bill to be entitled "An Act making an appropriation of Three Thousand (\$3,000.00) Dollars, or so much thereof as may be necessary to aid and facilitate the work to be performed by the Lower Concho River Water and Soil Conservation Authority; provided that said appropriation shall be a loan to be repaid to the State of Texas out of the first revenues received by said Authority, and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 1040 by striking out of said bill the word "fifth" wherever it occurs and substitute therefor the word "sixth."

The amendment was adopted.

The bill was passed to third reading.

**House Bill 1040 on Third Reading**

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1040 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Shivers
Collie	Small
Cotten	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Van Zandt
Lanning	Weinert
Metcalf	Winfield
Moffett	

## Nays—4

Graves  
Lemens

Martin  
Sulak

Absent

Roberts

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21

Beck  
Brownlee  
Burns  
Collie  
Cotten  
Hardin  
Head  
Hill  
Kelley  
Lanning  
Metcalf

Moffett  
Moore  
Pace  
Redditt  
Shivers  
Small  
Spears  
Stone  
of Washington  
Weinert  
Winfield

## Nays—8

Aikin  
Graves  
Isbell  
Lemens  
Martin

Stone  
of Galveston  
Sulak  
Van Zandt

Absent

Roberts

Absent—Excused

Nelson

## Senate Bill on First Reading

Senator Winfield moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell

Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett  
Moore  
Pace  
Redditt  
Roberts  
Shivers

Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington

Sulak  
Van Zandt  
Weinert  
Winfield

Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 490, A bill to be entitled "An Act making an appropriation of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary to aid and facilitate the work to be performed by the Red Bluff Water Power Control District; provided that said appropriation shall be a loan to be repaid to the State of Texas out of the first revenues received by said District; and declaring an emergency."

Referred to Committee on Finance.

## Concurrence in House Amendments to Senate Bill 11

Senator Moffett moved that the Senate concur in the House amendments to S. B. No. 11.

The motion prevailed by the following vote:

## Yeas—21

Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Kelley  
Lanning  
Metcalf  
Moffett  
Moore  
Pace

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Weinert  
Winfield

## Nays—8

Aikin  
Beck  
Brownlee  
Isbell

Lemens  
Martin  
Sulak  
Van Zandt

Absent

Hill

Absent—Excused

Nelson

**Recess**

Senator Collie moved that the Senate recess to 2:30 o'clock p. m. today.

Yeas and nays were demanded and motion prevailed by the following vote:

**Yeas—21**

Beck	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Hill	of Washington
Isbell	Sulak
Lanning	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

**Nays—9**

Aikin	Metcalfe
Brownlee	Spears
Head	Stone
Kelley	of Galveston
Lemens	

**Absent—Excused**

Nelson

The Senate, accordingly, at 12:25 o'clock p. m., took recess to 2:30 o'clock p. m. today.

**Afternoon Session**

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

**Report of Conference Committee on House Bill 132**

The Senate resumed consideration of pending business, same being the report of the conference committee on H. B. No. 132, with motion by Senator Burns to re-refer the report with certain instructions, to the conference committee appointed to adjust the differences between the two Houses on the bill, pending.

Question—Shall the motion of Senator Burns prevail?

**Senate Resolution 95**

Senator Winfield, by unanimous consent, offered at this time the following resolution:

Whereas, So much discord and friction has arisen among the tired Members of the Senate, and

Whereas, It is alleged that music

has charms to soothe the savage breast; and

Whereas, There are at this time at the outer door two charming young ladies, Annette and Jeannette Tucker, State sweethearts of the Lions International Club, very adept in harmony; therefore, be it

Resolved by the Senate of the State of Texas, That they be invited to render several musical pieces for the benefit of harmony.

The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

Accordingly, Senator Winfield presented Misses Annette and Jeannette Tucker of Winters, Texas, to the Senate.

The Misses Tucker, playing their own accompaniments, sang for the Senate.

**Reports of Standing Committees**

Senator Winfield, by unanimous consent, submitted at this time the following report of the Committee on Finance:

Austin, Texas,  
June 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 490, A bill to be entitled "An Act making an appropriation of Thirty Thousand Dollars (\$30,000.00), or so much thereof as may be necessary to aid and facilitate the work to be performed by the Red Bluff Water Power Control District; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
June 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1114, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real,

Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached amendments, and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 56, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being House Bill No. 847, passed by the Forty-second Legislature of the State of Texas as appears from page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective as herein provided to certain tracts of land in Loving and Brewster Counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

COLLIE, Chairman.

#### House Bill 886 on Final Passage

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit further consideration of H. B. No. 886 at this time.

The President Pro Tempore laid before the Senate on its final passage (the bill having been read third time on May 11, 1939):

H. B. No. 886, A bill to be entitled "An Act providing that County Commissioners' Courts and the municipal government of any incorporated city, town or village, may appoint, employ and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, and proper Federal

Agency, or by counties or cities or by any one of said agencies, city, commission, city or county; providing that in no case shall there be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each County in this State; providing that County Commissioners' Courts in this State in conjunction with municipalities and governments of any incorporated city, town or village may enter into an agreement to jointly appoint, employ and pay the salary of case workers or investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission, etc., and declaring an emergency."

The bill was passed by the following vote:

#### Yeas—14

Burns	Moffett
Cotten	Pace
Graves	Redditt
Head	Stone
Hill	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Metcalfe	

#### Nays—12

Aikin	Small
Brownlee	Spears
Collie	Stone
Isbell	of Washington
Moore	Weinert
Roberts	Winfield
Shivers	

#### Absent

Beck	Lemens
Hardin	Martin

#### Absent—Excused

Nelson

#### House Bill 410 on Passage to Third Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to permit further consideration of H. B. No. 410 at this time.

The President laid before the Senate on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 410, A bill to be entitled "An Act to amend Article 4453, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-



second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925 and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12 of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies of said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms, specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency."

The bill then was passed to third reading.

#### House Bill 410 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

#### Absent

Beck	Martin
Hardin	

#### Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—23

Aikin	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield

#### Nays—2

Isbell	Sulak
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#### Present—Not Voting

Kelley

#### Absent

Beck	Stone
Martin	of Washington
Moffett	

#### Absent—Excused

Nelson

#### Senate Bill 320 on Second Reading

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 320 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 320, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1940, and August 31, 1941, to aid said District in making the necessary surveys and preparing the necessary plans for its construction program and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendments to the bill:

(1)

Amend S. B. No. 320 by adding a new section as follows:

"The money herein appropriated is intended only as a loan to the Nueces River Conservation and Reclamation District and is to be repaid to the General Revenue Fund of this State from the first revenue received by said District."

(2)

Amend S. B. No. 320 by changing the amount of money designated in said bill from \$24,000.00 for the years ending 1940 and 1941 to the sum of \$2,900.00 for each year.

(3)

Amend the caption to conform to the bill as amended.

The amendments were adopted severally.

The bill was passed to engrossment.

#### Senate Bill 320 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Weinert
Metcalfe	Winfield
Moffett	

Nays—3

Lemens	Van Zandt
Sulak	

Absent

Beck Martin

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Brownlee	Redditt
Burns	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Stone
Metcalfe	of Washington
Moffett	Weinert
Moore	Winfield
Pace	

Nays—7

Aikin	Martin
Cotten	Sulak
Isbell	Van Zandt
Lemens	

Absent

Beck Collie

Absent—Excused

Nelson

#### Senate Bill 490 on Second Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 490 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelley
Beck	Lanning
Brownlee	Martin
Burns	Metcalfe
Collie	Moffett
Cotten	Moore
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small

Spears  
Stone  
of Galveston  
Stone  
of Washington

Van Zandt  
Weinert  
Winfield

## Nays—2

Lemens Sulak

## Absent—Excused

Nelson

On motion of Senator Winfield and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended to permit consideration of S. B. No. 490 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

## Senate Bill 490 on Third Reading

The President then laid S. B. No. 490 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—23

Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Hill	of Galveston
Kelley	Stone
Lanning	of Washington
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Pace	

## Nays—3

Aikin Sulak  
Lemens

## Absent

Beck Isbell  
Head Martin

## Absent—Excused

Nelson

## Senate Bill on First Reading

Senator Metcalfe moved that the legislative rule relative to the introduction of bills after the first 60

days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

## Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Metcalfe:

S. B. No. 491, A bill to be entitled "An Act making an appropriation of Three Thousand Dollars (\$3,000), or so much thereof as may be necessary, to aid and facilitate the work to be performed by the Upper Colorado River Authority; provided that said appropriation shall be a loan to be repaid by the State of Texas out of the first revenues received by said Authority; and declaring an emergency."

Referred to Committee on Finance.

## House Bill 180 on Final Passage

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to permit further consideration of H. B. No. 180 at this time.

The President laid before the Senate on its final passage (the bill having heretofore been read third time):

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of

Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency, by extending the provisions of said Act for a period of forty years from September 1, 1920 and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill then was passed.

#### Record of Votes

Senators Isbell and Lanning asked to be recorded as voting "nay" on the passage of the bill.

#### House Bill 181 on Second Reading

On motion of Senator Roberts and by unanimous consent, regular order of business was suspended to permit consideration of H. B. No. 181 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 181, A bill to be entitled "An Act to extend for an additional period of twenty years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the city of Aransas Pass in constructing and maintaining sea walls, breakwaters, and other shore protections, including wharves forming part or parts of same in order to protect said city from calamitous overflows by donating to it the eight-ninths (8/9) of the ad valorem taxes collected on property and from persons in San Patricio County for period ending

August 31, 1960, and providing a penalty for the misapplication of monies thus donated and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 181 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Nays—1

Lemens

#### Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Isbell and Lanning asked to be recorded as voting "nay" on the passage of the bill.

#### Report of Conference Committee on Senate Bill 200

Senator Graves, by unanimous consent, submitted at this time the following report of the conference committee on S. B. No. 200:

Austin, Texas,  
June 1, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.  
and

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on S. B. No. 200, have met and beg leave to recommend that said S. B. No. 200 be passed in the form attached hereto.

Respectfully submitted,

GRAVES,  
REDDITT,  
MARTIN,  
LANNING,  
MOFFETT,  
On the part of the Senate.

BELL,  
JOHNSON of Tarrant,  
SEGRIST,  
COLEMAN,  
SCHUENEMANN,  
On the part of the House.

S. B. No. 200.

#### A BILL TO BE ENTITLED

An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc., requiring the labelling of bedding as to whether new or second-hand materials are used; prohibiting the use of materials from dump-grounds, junk yards and hospitals; requiring the germicidal treatment of second-hand materials; authorizing the State Board of Health with enforcement; requiring permits for manufacture, repair or renovation and application of germicidal process; the payment of fees for permits; providing for the issuance of adhesive stamps and registration for selling bedding; providing that proceeds be placed in State Treasury in General Fund; making certain emergency appropriations; making appropriations for the biennium September 1st, 1939, to August 31, 1941; providing expenditures under this Act shall never exceed revenues received from fees, etc. collected hereunder; providing for a penalty; requiring bedding manufacturers or renovators to keep premises sanitary; excepting all bedding manufactured, repaired, renovated and/or sold

prior to effective date; providing that if any part of this Act shall be declared unconstitutional, it shall not affect any other part thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

#### Section 1. Definitions.

(a). The term "bedding" as used in this Act shall mean mattresses, pillows, bolsters, feather beds and other filled bedding of any description.

(b). The term "Department" when used in this Act shall mean the State Board of Health.

(c). The term "person" as used in this Act shall include persons, partnerships, companies, corporations and associations.

(d). The term "renovate" as used in this Act shall mean to restore to former condition or to place in a good state of repair.

(e). The term "materials" as used in this Act shall mean all articles, or portions thereof, used as filling or covering in the manufacture, repair or renovation of bedding.

(f). The term "new" as used in this Act shall mean any article or material which has not been previously used for any purpose.

(g). The term "second-hand" as used in this Act shall mean any article or material, or portions thereof, of which former use has been made in any manner whatsoever.

(h). Wherever in this Act the singular is used, the plural shall be included; and where the masculine gender is used, the feminine and neuter shall be included.

#### Sec. 2. Labelling of Bedding Required.

(a). All bedding shall bear securely attached thereto and plainly visible, a substantial white cloth tag upon which shall be indelibly stamped or printed with black ink, in the English language, a statement showing whether new materials or second-hand materials have been used in filling such bedding, and type or grade of cotton and all other materials used in filling mattresses to which attached when new material are used, with approximate percentages when mixed; what germicidal treatment, if any, has been applied to the materials to the bedding; the date of such germicidal treatment; the number of the permit of the person manufacturing the bedding; and the number of

the permit of the person applying such germicidal treatment, if any.

(b). The terms used on the tag to describe materials shall be restricted to those defined in the regulations of the Department, and no trade or substitute terms shall be used.

(c). It shall be unlawful to make any false or misleading statements on the tag required by this section. It shall be unlawful for any person to remove, deface, alter, or cause to be removed, defaced or altered, any tag or statement contained thereon for the purpose of defeating any of the provisions of this Act. The placing of registration stamps required in Section 7 of this Act over any lettering on the tag, shall be construed to be defacement of the tag.

(d). The size of the tag to be affixed to new bedding required by this section shall be not less than six (6) square inches, and the lettering thereon, covering the statement of filling materials, shall be in plain type not less than one-eighth ( $\frac{1}{8}$ ) inch in height.

(e). Every article of bedding manufactured for resale containing second-hand material, shall bear, securely sewn thereto on all four sides of the tag, attached to both sides of the article of bedding, a substantial white cloth tag four (4) by eight (8) inches in size, upon which shall be indelibly stamped or printed in red ink, in the English language, in plain type not less than one-half ( $\frac{1}{2}$ ) inch in height, stating: "second-hand material."

Sec. 3. Use of Materials from Dump-Grounds and Hospitals.

No person shall manufacture, repair or renovate into bedding or batting, using discarded materials obtained from dump-grounds, junk yards, or hospitals within or without the State of Texas.

Sec. 4. Germicidal Treatment of Materials.

All second-hand materials, or portions thereof, for resale, shall be subjected to a germicidal treatment currently recommended by the Department.

Sec. 5. Enforcement of Act.

The State Board of Health is hereby charged with the enforcement of this Act, for the protection of health and to prevent the spread of disease. It is further empowered, and its duty shall be to make, amend, alter or repeal general rules and regulations of procedure for carrying into effect

all the provisions of this Act, and to prescribe means, methods, and practices to make effective such provisions.

Sec. 6. Permits.

(a). No person shall engage in the business of manufacturing, repairing or renovating any bedding unless he shall have obtained a permit from the Department.

(b). No person shall be considered to have qualified to apply an acceptable germicidal process until such process has been registered with and approved by the Department, after which a numbered permit shall then be issued by the Department. Such permit shall expire one year from date of issue and shall thereafter be annually renewed at the option of the permit holder upon submission of proof of continued compliance with the provisions of this Act and the regulations of the Department. Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business near the treatment device. Holders of permits to apply germicidal treatment shall be required to keep an accurate record of all materials which have been subjected to germicidal treatment, including the source of material, date of treatment, and name and address of the buyer of each, and such records shall be available for inspection at any time by authorized representatives of the Department.

(c). For all initial permits issued, as required by the preceding paragraph (a) of this section, there shall, at the time of issuance thereof, be paid by the applicant to the Department, a fee of Five Dollars (\$5.00). An annual renewal charge of Two Dollars and Fifty Cents (\$2.50) shall be paid to the same Department.

(d). For all initial permits issued, as required by the preceding paragraph (b) of this section, there shall, at the time of issuance, be paid by the applicant, to the Department, a fee of Twenty-five Dollars (\$25.00). An annual renewal charge of One Dollar (\$1.00) shall be paid to the same Department.

(e). Any permit issued in accordance with the provisions may be revoked by the State Health Officer upon proof of violation of any of the provisions of this Act. A reissuance of said permit shall be subject to pro-

visions as set forth for an initial permit.

**Sec. 7. Registration for Selling.**

(a). No person shall manufacture, renovate, sell or lease or have in his possession with intent to sell or lease in the State of Texas, any bedding covered by the provisions of this Act, unless there be affixed to the tag required by this Act by the person manufacturing, renovating, selling or leasing the same, an adhesive stamp prepared and issued by this Department.

(b). The Department shall register all applicants for stamps and assign to every such person a registration number, which thereafter shall constitute his identification record, and said identification shall not be used by any other person.

(c). Adhesive stamps as provided for by this Act shall be furnished by the Department in quantities of not less than five hundred (500), for which the applicant shall pay at the rate of Five Dollars (\$5.00) for each five hundred (500) stamps. The State Health Officer is hereby authorized to prepare and cause to be printed, adhesive stamps which shall contain a replica of the Seal of the State of Texas, the registry number of the person applying therefor, and such other matter as the State Health Officer shall direct.

**Sec. 8. Proceeds Placed in General Fund.**

All moneys obtained from the sale of stamps, fees and other moneys collected in the administration of this Act shall be payable to the Department, and when collected shall thereafter be transmitted to the State Treasury and be placed in the General Fund and be appropriated out in such amounts that may be deemed necessary by the Legislature. In the administration of this enactment the Regular Departmental Appropriation Bill will be adopted.

**Sec. 8a.** There is hereby appropriated immediately out of the General Fund of the State Treasury not otherwise appropriated a sum of Ten Thousand (\$10,000.00) Dollars to carry out the purposes and provisions of this Act for the remainder of the fiscal year ending August 31, 1939, such funds to be disbursed by order of the State Health Officer and the Treasurer of this State.

**Sec. 8b.** The several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to carry out the purposes and provisions of this Act for the two year period beginning September 1, 1939, and ending August 31, 1941:

**Salaries:**

	For the Year Ending August 31, 1940      August 31, 1941	
1. Supervisor . . . . .	\$ 3,000.00	\$ 3,000.00
2. Testing Engineer and Chemist . . . . .	2,700.00	2,700.00
3. District Supervisor . . . . .	1,800.00	1,800.00
4. District Supervisor . . . . .	1,800.00	1,800.00
5. District Supervisor . . . . .	1,800.00	1,800.00
6. District Supervisor . . . . .	1,800.00	1,800.00
7. District Supervisor . . . . .	1,800.00	1,800.00
8. District Supervisor . . . . .	1,800.00	1,800.00
9. Stenographer . . . . .	1,350.00	1,350.00
<b>Total Salaries . . . . .</b>	<b>\$17,850.00</b>	<b>\$17,850.00</b>
<b>Maintenance and Miscellaneous</b>		
1. Traveling Expenses . . . . .	\$10,500.00	\$10,500.00
2. Laboratory Truck . . . . .	3,000.00	
3. Laboratory Equipment . . . . .	1,000.00	
4. Office Furniture . . . . .	250.00	
5. Office Supplies . . . . .	1,800.00	
	<b>\$16,550.00</b>	<b>\$10,500.00</b>
<b>Grand Total . . . . .</b>	<b>\$34,400.00</b>	<b>\$28,350.00</b>

Sec. 8c. The expenditure of any moneys under this Act shall never exceed the amount of money obtained from the collection of money required by any fee, permit, license or registration required by the provisions of this Act.

Sec. 9. Penalties.

(a). Any person, who shall be convicted of violation of any of the provisions of this Act, or of the rules and regulations established thereunder, shall be sentenced to pay a fine of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100) for each offense.

(b). Each day of violation shall constitute a separate offense.

Sec. 10. Sanitary Premises.

Every bedding manufacturer or renovator shall keep his place of business in a sanitary condition satisfactory to the Health Department, and failure to do so shall be sufficient cause to revoke his permit.

Sec. 11. Exceptions.

The Provisions of this Act shall apply to all bedding manufactured, repaired, renovated and/or sold after the effective date hereof; but the same shall not apply to bedding which has been manufactured, repaired or renovated prior to the effective date hereof.

Sec. 12. Unconstitutionality.

If any section, subsection, sentence, clause, phrase or word of this Act is, for any reason, held to be unconstitutional, such decree shall not affect the validity of any remaining portion of this Act.

Sec. 13. Emergency Clause.

The fact that there is no law regulating the business of manufacturing bedding, and the further fact that the people of this State are daily exposed to the hazards incident thereto, and that passage of this law will protect the people from such hazards, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—21

Brownlee	Pace
Collie	Redditt
Cotten	Small
Graves	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Nays—6

Aikin	Head
Burns	Shivers
Hardin	Sulak

Absent

Beck	Roberts
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Absent—Excused

Martin	Nelson
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Senate Bill on First Reading

Senator Collie moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Martin	Nelson
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The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Collie:

S. B. No. 492, A bill to be entitled "An Act providing relief for the



Clyde Independent School District of Callahan County, Texas, in order to aid said school district in rebuilding its properties, and equipping its schools destroyed by the cyclone or tornado which struck the community of Clyde on June 10, 1938; making an appropriation to said district for said purposes and for the maintenance of its schools; and declaring an emergency."

Referred to Committee on Finance.

### Adjournment

Senator Hardin moved that the Senate adjourn until 10:00 o'clock a. m. Monday, June 12, 1939.

Yeas and nays were demanded, and the motion prevailed by the following vote:

#### Yeas—17

Burns	Pace
Cotten	Redditt
Graves	Shivers
Hardin	Small
Isbell	Stone
Kelley	of Galveston
Lemens	of Washington
Moffett	Van Zandt
Moore	Weinert
	Winfield

#### Nays—10

Aikin	Metcalf
Brownlee	Spears
Collie	Stone
Head	of Galveston
Hill	Sulak
Lanning	

#### Absent

Beck	Roberts
Martin	

#### Absent—Excused

Nelson

The Senate, accordingly, at 3:30 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, June 12, 1939.

### EIGHTY-FOURTH DAY

(Monday, June 12, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalf	Winfield

#### Absent—Excused

Lemens	Nelson
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 8, 1939, was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Senator Moffett was granted leave of absence for this morning, on account of illness in his family, on motion of Senator Metcalfe.

Senator Nelson was granted leave of absence for today on account of important business, on motion of Senator Stone of Galveston.

#### Report of Standing Committee

Senator Brownlee submitted the following report of the Committee on Highways and Motor Traffic.

Austin, Texas,  
June 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 545, A bill to be entitled "An Act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the